

DECLASSIFIED

PA/HO, Department of State

E.O. 12958, as amended

June 22, 2004

THE SECRETARY OF STATE

WASHINGTON

RS/R FILES

Attention Mrs Mullett  
Keep this study together.  
September 17, 1969

14026XR-14964

CONFIDENTIAL

COPIES TO:

S/S:RF

E

L

E/TT

NEA

ARA

IO

E/OA/AVP

MEMORANDUM FOR THE PRESIDENT

Subject: Aircraft Hijacking

There are a number of steps which this Department and others are taking or considering to try to stop aircraft hijacking. In some cases we will not want to initiate these steps until the two remaining TWA passengers held by the Syrians are released (or possibly until it may become evident our present efforts will not succeed), because we obviously do not want to prejudice these present efforts.

Our two main goals are (1) to gain wide international acceptance of the concepts that the plane, crew, and passengers must always be returned and that the hijacker must be punished for the crime, and (2) to find ways to bring effective international pressure on countries which do not abide by these norms.

To this end, the following steps are already in progress:

1. Various efforts to obtain widespread adherence to the Tokyo Convention, which requires the return of plane, crew and passengers. The Convention will come into force on December 4, but only among the 13 or so States which have so far ratified it. Among other things, we are seeking the agreement of the other countries which have ratified the Convention to a joint approach urging all others to become parties to the Convention promptly.

2. Adoption of a supplementary convention requiring that the hijacker be returned or prosecuted in the country where the aircraft lands. A committee of the International Civil Aviation Organization (ICAO) is holding its second meeting on this beginning September 23 and we are pressing for an international conference on

CONFIDENTIAL

MICROFILMED  
BY S/S: CMS

E O /AVP: M H Styles

W-1220

CONFIDENTIAL

2

the supplementary convention in the fall of 1970, which is probably the earliest date this could be done. In addition to this multilateral effort, we are including provisions making hijacking an extraditable offense in bilateral extradition treaties which we are negotiating or amending.

3. Continuing and stepped-up efforts to return to the United States for prosecution various hijackers in Cuba or third countries. There is some evidence that Cuba is quietly sending a few selected hijackers to third countries or encouraging them to leave, and we are taking advantage of all means we have to get them back to this country.

4. The FAA is working on a system for detecting and apprehending possible hijackers. This involves identifying suspicious individuals by certain characteristics and then running these persons by a detection machine. There are both legal and technical problems still to be resolved.

5. We are informing interested delegations to the UN in New York that we are prepared, at some stage, to support a Security Council resolution along the lines of one the Finns have informally proposed, which urges all States to take measures internationally and domestically to prevent unlawful interference with civil aviation. We are keeping in close touch with the Finns regarding the possible timing of Security Council consideration of the matter, since we want to bear in mind the status of the efforts we and others are making to secure the release of the two Israeli passengers being held by Syria. Our tentative judgment is that Security Council consideration of this matter would be more effective if it were approached not from the point of view of any specific case which would likely become highly polemical and contentious, but rather from the point of view of getting Security Council endorsement for certain general principles addressed to the hijacking problem. In particular, we feel that affirmative Security Council action could help mobilize opinion in support of our efforts to achieve a multilateral convention requiring that the hijacker be returned or prosecuted in the country where the aircraft lands.

CONFIDENTIAL


CONFIDENTIAL

3

Other steps under active consideration, some of which should await resolution of the Syrian problem, are:

1. Expanding the terms of reference of the ICAO hijacking committee to permit it to seek invitations to send fact-finding teams to countries which have not returned the plane, crew and all passengers. Although this would be done under the guise of fact-finding, the real purpose would be to exert international pressure. For the latter reason, other members of ICAO may not agree to such a proposal.
2. In a related area, we are considering whether to propose that the ICAO hijacking committee seek an invitation for a fact-finding team to visit Cuba for the purpose of finding out whether Cuba would be receptive to some "neutral" way to dispose of the problem of hijackers still in Cuba, such as by sending them to third countries which would be willing to return them to the country of the airline hijacked for prosecution.
3. Hijacking is a danger to air safety in all cases, but it can also lead to international political incidents and pose a threat to peace and security when it is politically motivated and when the country receiving the aircraft does not act promptly to return the plane, crew and passengers and when it does not take effective action against the hijackers. To deal with this growing problem, we are now considering asking for an unpublicized meeting with major aviation countries to propose a joint announcement that, when a country does not act responsibly in a political hijacking incident, such countries will suspend all air services to and from that country. There are some pitfalls in this idea and it must be considered very carefully, but in principle we think it has merit.

We would not favor at this time private boycotts such as the strike proposed by the International Airline Pilots Association, IFALPA. We believe that it is the Government and not private organizations which should act on this problem.

  
William P. Rogers

CONFIDENTIAL